

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

HUNTER’S SPECIALTIES, INC., an Iowa
corporation,

Plaintiff,

v.

HUNTER 2 HUNTER EQUIPMENT, INC.,
a Wisconsin corporation,

Defendant.

Civil Action No. 1:10-cv-00024-EJM

Jury Trial Demanded

COMPLAINT

COME NOW the Plaintiff, Hunter’s Specialties, Inc. ("Hunter’s Specialties"), and for its Complaint against the Defendant, Hunter 2 Hunter Equipment, Inc. (“Hunter 2 Hunter”), states and alleges as follows:

THE PARTIES

1. Plaintiff Hunter’s Specialties is a corporation organized and existing under the laws of the State of Iowa with its principal place of business at 6000 Huntington Ct. NE, Cedar Rapids, Iowa 52402.

2. Upon information and belief, Defendant Hunter 2 Hunter is a corporation organized and existing under the laws of the State of Wisconsin with its principal place of business at 7646 Conifer Court, DeForest, WI 53532.

VENUE AND JURISDICTION

4. This action arises under the patent laws of the United States, Title 35 United States Code. This Court has jurisdiction over the patent claims pursuant to 28 U.S.C. §§ 1331 and 1338(a). This Court also has jurisdiction over this action pursuant to 28 U.S.C. § 1332 as the amount in controversy exceeds \$75,000, exclusive of interest and costs, and is between citizens of different states.

5. Upon information and belief, Defendant Hunter 2 Hunter has transacted substantial business and committed acts of infringement within the State of Iowa and more particularly, within this judicial District. Further, Defendant has intentionally directed its actions to this District by undertaking the conduct alleged below having known or should have known that the brunt of the injury would be suffered in this District. The Defendant, therefore, is subject to the personal jurisdiction of this Court.

6. Venue is proper under 28 U.S.C. § 1391 and 28 U.S.C. § 1400(b) since Defendant resides in this District by virtue of their doing business in this District, and since acts of which Plaintiff complains have occurred in this District and elsewhere in the U.S.A.

COUNT I **(Patent Infringement of U.S. Patent No. 7,367,877)**

7. Plaintiff hereby realleges paragraphs 1-6 and incorporates them herein by reference.

8. On May 6, 2008, United States Letters Patent 7,367,877 ("the '877 patent") entitled "BIG GAME FIELD DRESSING TOOL AND METHOD" was duly and legally issued in the name of Michael Luster. A copy of the aforesaid patent is attached hereto as Exhibit 1.

9. Through the grant of an exclusive license Hunter's Specialties has acquired substantially all rights under the '877 patent, including the right to file suit and recover damages for infringement of the '877 patent, and therefore has standing to sue and enforce the '877 patent.

10. The '877 patent is, by law, presumed valid pursuant to 35 U.S.C. § 282, and the validity of the '877 has been recognized and upheld in prior litigation in this Court. A copy of a Consent Judgment and Injunction as entered by the Court is attached hereto as Exhibit 2.

11. Defendant Hunter 2 Hunter has infringed and is continuing to infringe the '877 patent in its manufacture, use, offering for sale, sale and/or importation of products, including the GutWrench field dressing tool, and/or methods claimed in the '877 patent, and/or by inducing or contributing to the infringement of the '877 patent by others. Plaintiff Hunter's Specialties has been damaged by Hunter 2 Hunter's infringement of the '877 patent and will continue to be damaged in the future unless Defendant Hunter 2 Hunter is enjoined from infringing, either directly or indirectly, said patent.

12. Upon information and belief, Defendant has both constructive and actual notice of the '877 patent and, in particular, that said patent was duly and legally issued, and Defendant is aware or should be aware that its activities directly infringe, contributorily infringe and/or induce others to infringe the '877 patent.

13. Upon information and belief, Defendant's infringement of the '877 patent is now and has been intentional, willful, and deliberate, and objectively reckless.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Hunter's Specialties respectfully requests judgment by this Court:

- a) That finds Defendant has infringed United States Patent No. 7,367,877;
- b) That enjoins Defendant, its officers, directors, employees, agents, servants, assigns, representatives, successors, subsidiaries, divisions, affiliates, and/or any other entity or person in active concert or participation with Defendant:
 - i) from making, using, selling, offering for sale, or importing infringing products, and from otherwise infringing, contributing to the infringement of, or inducing infringement of United States Patent No. 7,367,877; and
 - ii) for all further and proper injunctive relief pursuant to 35 U.S.C. § 283;
- c) That awards Plaintiff monetary damages from Defendant for all damages allowable by law for infringement, together with pre- and post-judgment interest and costs, under 35 U.S.C. § 284;
- d) That finds Defendant's infringement to be willful and awards treble damages under 35 U.S.C. § 284;
 - i) That finds the present case to be exceptional and awards attorney fees to Plaintiff under 35 U.S.C. § 285;
 - j) That awards Plaintiff its costs and such other and further relief as the Court may deem equitable.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b) and Local Rule 38.1, Plaintiff Hunter's Specialties hereby demands a trial by jury on all issues triable of right by jury in this action.

Respectfully submitted,

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